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OF COUNSEL:

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**MEMO ENDORSED**

July 8, 2008

**Via: Facsimile Only**  
**914-390-4085**

Hon. Charles L. Brieant, USDCJ  
Southern District of New York  
White Plains, New York 10601

Re: Briarwood Farms, Inc. v. Toll Bros. Inc.  
Case No.: 07-Civ-3657 (CLB)

*Application granted  
So Ordered  
Charles L. Brieant  
7/8/08 USDCJ*

Dear Judge Brieant:

Please let this letter serve as our request for time to submit reply papers and opposition to Defendant's cross-motion for summary judgment. When we last appeared before your Honor, we scheduled the motion to be served by May 28, 2008 with a return date of July 18, 2008. There was no Order entered memorializing this. In fact, I served our motion for summary judgment on May 28, 2008. Defendant served opposition and a cross-motion on June 18, 2008. Upon my review of the docket, I saw no minute entry indicating the timing for our submission of our reply/opposition, and there was none indicated in my calendar. I telephoned counsel for the Defendant to inquire whether one was set, and I was informed that the date had passed. I requested consent for an adjournment which was not forthcoming.

I hereby request (first request) that my time be extended to July 11, 2008, which is still one week prior to the scheduled submission date.

Very truly yours,

Joseph J. Haspel

Cc: William P. Harrington, Esq.